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7  
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**\*E-FILED - 8/12/10\***

13 Attorneys for Defendants, CITY OF SAN JOSE and  
14 OFFICER CONSTANTIN

15  
16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

18  
19 MORRIS EMANUEL,

20 Plaintiff,

21 v.

22 CITY OF SAN JOSE, et al.,

23 Defendants.  
24

Case Number: C08-05321 RMW

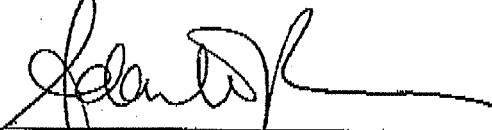
**STIPULATION OF DISMISSAL AND  
[] ORDER**

25 Pursuant to the provisions of Federal Rules of Civil Procedure 41(a)(1), Plaintiff  
26 Morris Emanuel and Defendants City of San Jose and Officer George Constantin hereby  
27 stipulate that this action be dismissed in its entirety, with prejudice.

1 Plaintiff and Defendants further stipulate and agree that each party shall bear their  
2 own attorneys fees and costs in connection with this action.

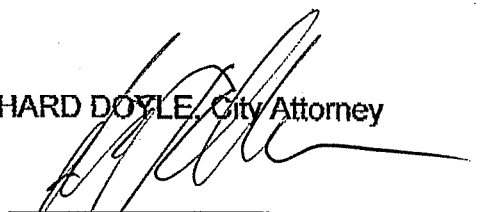
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4  
5 *August*  
6 Dated: July 3, 2010

Respectfully submitted,

By:   
ADANTE D. POINTER  
Attorney at Law

Attorney for Plaintiff, MORRIS EMANUEL

8  
9 *Aug.*  
10 Dated: July 4, 2010

RICHARD DOYLE, City Attorney  
By:   
MICHAEL J. DODSON  
Sr. Deputy City Attorney

Attorney for Defendants, CITY OF SAN  
JOSE AND OFFICER CONSTANTIN

16 **ORDER**

17 Pursuant to the Stipulation of Dismissal by and between the parties to this action,  
18 through their designated counsel, the above-captioned action is hereby DISMISSED with  
19 prejudice pursuant to F.R.C.P. 41(a)(1), and it is further ordered that each party shall bear  
20 their own attorneys fees and costs in connection with this action.

21  
22  
23  
24 Dated: 8/12/10

  
HONORABLE RONALD M. WHYTE  
United States District Court Judge